

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2011-849

**LOREE GAY ARMSTRONG-BOWMAN**  
Post Office Box 67  
Clarksville, OH 45113  
Registered Nurse License No. 598771

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

RESPONDENT

FINDINGS OF FACT

1. On or about April 14, 2011, Complainant Louise R. Bailey, M.Ed.,RN, in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2011-849 against Loree Gay Armstrong-Bowman (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

2. On or about April 30, 2002, the Board of Registered Nursing (Board) issued Registered Nurse License No. 598771 to Respondent. The Registered Nurse License expired on April 30, 2004 and has not been renewed.

3. On or about April 14, 2011, the Respondent was served by Certified and First Class Mail copies of the Accusation No. 2011-849, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record which, pursuant to Business and Professions Code section 136 and Title 16 California Code of Regulations section 1409.1, is required to be reported and maintained with the Board, which was and is:

Post Office Box 67

Clarksville, OH 45113

//  
//

1           4.     Service of the Accusation was effective as a matter of law under the provisions of  
2 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
3 124.

4           5.     On or about April 26, 2011, the Certified mail was returned by the postal service  
5 marked "Attempted-Not Known". On or about April 22, 2011, the First Class mail was returned  
6 by the postal service marked "Attempted-Not Known".

7           6.     Respondent failed to maintain an updated address with the Board and the Board has  
8 made attempts to serve the Respondent at the address on file. Respondent has not made herself  
9 available for service, and therefore, has not availed herself of her right to file and notice of  
10 defense and appear at a hearing.

11          7.     Business and Professions Code section 2764 states:

12                 The lapsing or suspension of a license by operation of law or by order or decision of  
13 the board or a court of law, or the voluntary surrender of a license by a licensee shall not deprive  
14 the board of jurisdiction to proceed with an investigation of or action or disciplinary proceeding  
15 against such license, or to render a decision suspending or revoking such license.

16          8.     Government Code section 11506 states, in pertinent part:

17                 (c) The respondent shall be entitled to a hearing on the merits if the respondent files a  
18 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation  
19 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's  
20 right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

21          9.     Respondent failed to file a Notice of Defense within 15 days after service upon him  
22 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.  
23 2011-849.

24          10.    California Government Code section 11520 states, in pertinent part:

25                 (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the  
26 agency may take action based upon the respondent's express admissions or upon other evidence  
27 and affidavits may be used as evidence without any notice to respondent.

28          11.    Pursuant to its authority under Government Code section 11520, the Board after

1 having reviewed the proof of service dated, April 14, 2011, finds Respondent is in default. The  
2 Board will take action without further hearing and, based on Accusation No. 2011-849 and the  
3 documents contained in the Default Decision Investigatory Evidence Packet which includes:  
4 Exhibit 1 – Pleadings offered for jurisdictional purposes; Exhibit 2 – License History  
5 Certification for Loree Gay Armstrong-Bowman, Registered Nurse License No. 598771; Exhibit  
6 3 – Before the Ohio Board of Nursing, In the Matter of: Loree Bowman, R.N.: Order 1441, Case  
7 #03-1580, Entry of Order dated September 28, 2007 ; Exhibit 4 - Ohio Board of Nursing, Notice  
8 of Immediate Suspension and Opportunity for Hearing, dated November 18, 2005; Exhibit 5 -  
9 Affidavit of Shannon Silberling ; Exhibit 6 - Declaration of costs by Office of the Attorney  
10 General for Prosecution of Case No. 2011-849, and finds that the charges and allegations in  
11 Accusation No. 2011-849 are separately and severally true and correct by clear and convincing  
12 evidence.

13 12. Taking official notice of the Declaration of costs by the Office of the Attorney  
14 General contained in the Default Decision Investigatory Evidence Packet, pursuant to Business  
15 and Professions Code section 125.3, it is hereby determined that the reasonable costs for  
Investigation and Enforcement in connection with the Accusation are \$447.50, as of May 4, 2011.

#### 16 DETERMINATION OF ISSUES

17 1. Based on the foregoing findings of fact, Respondent Loree Gay Armstrong-Bowman  
18 has subjected his following licenses to discipline:

19 a. Registered Nurse License No. 598771

20 2. The agency has jurisdiction to adjudicate this case by default.

21 3. The Board of Registered Nursing is authorized to revoke Respondent's Registered  
22 Nurse License based upon the following violations alleged in the Accusation, which are  
23 supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this  
case.

24 a. Violation of Business and Professions Code section 2761(a)(4) - Disciplinary  
25 action by another State Board of Nursing.

26 //

27 //

28 //

ORDER

IT IS SO ORDERED that Registered Nurse License No. 598771, heretofore issued to Respondent Loree Gay Armstrong-Bowman, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on July 30, 2011.

It is so ORDERED June 30, 2011

*Jennine K. Reeves*

FOR THE BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS

Attachment:

Exhibit A: Accusation No. 2011-849

# Exhibit A

Accusation No. 2011-849

1 KAMALA D. HARRIS  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 SUSANA A. GONZALES  
Deputy Attorney General  
4 State Bar No. 253027  
1515 Clay Street, 20th Floor  
5 P.O. Box 70550  
Oakland, CA 94612-0550  
6 Telephone: (510) 622-2221  
Facsimile: (510) 622-2270  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2011-849*

13 **LOREE GAY ARMSTRONG-BOWMAN**  
Post Office Box 67  
14 Clarksville, OH 45113  
Registered Nurse License No. 598771

**A C C U S A T I O N**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
21 Consumer Affairs.

22 2. On or about April 30, 2002, the Board of Registered Nursing issued Registered Nurse  
23 License Number 598771 to Loree Gay Armstrong-Bowman (Respondent). The Registered Nurse  
24 License expired on April 30, 2004, and has not been renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Registered Nursing (Board),  
27 Department of Consumer Affairs, under the authority of the following laws. All section  
28 references are to the Business and Professions Code unless otherwise indicated.

1           4.     Section 2750 of the Business and Professions Code (Code) provides, in pertinent part,  
2     that the Board may discipline any licensee, including a licensee holding a temporary or an  
3     inactive license, for any reason provided in Article 3 (commencing with section 2750) of the  
4     Nursing Practice Act.

5           5.     Section 2764 of the Code provides, in pertinent part, that the expiration of a license  
6     shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the  
7     licensee or to render a decision imposing discipline on the license. Under Code section 2811,  
8     subdivision (b), the Board may renew an expired license at any time within eight years after the  
9     expiration.

10          6.     Section 118, subdivision (b), of the Code provides, in pertinent part, that the  
11     expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary  
12     action during the period within which the license may be renewed, restored, reissued or  
13     reinstated.

#### 14                                   STATUTORY PROVISIONS

15          7.     Section 2761 of the Code states:

16                "The board may take disciplinary action against a certified or licensed nurse or deny an  
17     application for a certificate or license for any of the following:

18                "(a) Unprofessional conduct, which includes, but is not limited to, the following:

19                ...

20                "(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action  
21     against a health care professional license or certificate by another state or territory of the United  
22     States, by any other government agency, or by another California health care professional  
23     licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that  
24     action."

#### 25                                   DRUGS

26          8.     "Demerol," is a trade name for Pethidine or Meperidine. Demerol is a dangerous  
27     drug as defined by Code section 4022, and is a Schedule II controlled substance as defined in  
28

1 Health and Safety Code section 11055, subdivision (c)(17). Demerol can produce drug  
2 dependence of the morphine type and therefore has the potential for being abused.

3 COST RECOVERY

4 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
5 administrative law judge to direct a licensee found to have committed a violation or violations of  
6 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
7 enforcement of the case.

8 CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Out of State Discipline)  
9 (Bus. & Prof. Code § 2761, subd. (a)(4))

10 10. Respondent has subjected her registered nurse license to disciplinary action under  
11 Code section 2761, subdivision (a)(4), in that on or about September 28, 2007, the Ohio Board of  
12 Nursing (Ohio Board) entered an order permanently revoking Respondent's Ohio registered nurse  
13 license.

14 11. The underlying conduct supporting the Ohio Board's disciplinary action is that on or  
15 about August 28, 2007, Respondent voluntarily surrendered her license to practice nursing in  
16 Ohio and consented to revocation. Respondent voluntarily surrendered her license in lieu of  
17 formal disciplinary proceedings. On or about November 18, 2005, the Ohio Board sent  
18 Respondent a Notice of Immediate Suspension and Opportunity for Hearing (Notice), advising  
19 Respondent that her Ohio registered nurse license was immediately suspended. The underlying  
20 conduct supporting the Notice was that on about July 3, 2002, in the Montgomery Court of  
21 Common Pleas, Respondent pled guilty to two counts of deception to obtain dangerous drugs,  
22 felonies of the fourth degree. The conduct underlying Respondent's guilty plea occurred in 2002  
23 when Respondent diverted Demerol for her personal use while working as an agency nurse at  
24 Miami Valley Hospital in Dayton, Ohio. Furthermore, on or about May 7, 2002, Respondent  
25 entered into an Alternative Program Participant Agreement (Agreement) with the Ohio Board's  
26 Alternative Program for Chemical Dependency (Program). The Agreement was effective through  
27 May 7, 2007. According to Respondent's drug testing schedule, she was to begin calling into the  
28



1 drug testing provider on a daily basis by June 17, 2002. Respondent failed to call the drug testing  
2 provider on several occasions between June 30, 2002, and August 19, 2003. On or about  
3 September 20, 2003, Respondent was terminated from the Program based upon her non-  
4 compliance with the terms and conditions of the Agreement.

5 PRAYER

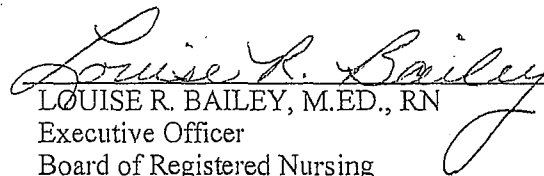
6 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this  
7 Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

8 1. Revoking or suspending Registered Nurse License Number 598771, issued to Loree  
9 Gay Armstrong-Bowman;

10 2. Ordering Loree Gay Armstrong-Bowman to pay the Board of Registered Nursing the  
11 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
12 Professions Code section 125.3;

13 3. Taking such other and further action as deemed necessary and proper.  
14  
15

16 DATED: April 14, 2011

  
17 LOUISE R. BAILEY, M.ED., RN  
18 Executive Officer  
19 Board of Registered Nursing  
20 Department of Consumer Affairs  
21 State of California  
22 Complainant

23  
24  
25  
26  
27  
28  
SF2011900099  
90185765.doc